

Serial No.: 10/598,551
Examiner: Marshall McLeod

REMARKS

The Application has been carefully reviewed in light of the Advisory Action mailed December 30, 2008. At the time of this Office Action, Claims 1, 4-7, 9, 12-15, 17 and 20-22 were pending in the Application and Claims 1, 4-7, 9, 12-15, 17 and 20-22 were rejected. The following actions were taken or matters raised: (I) Applicant's response filed May 5, 2008 was acknowledged, (II) Claims 1, 4-7, 9, 12-15, 17 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over del Val et al (US 6,763,392) in view of Schulzrinne (Real Time Streaming Protocol (RTSP) (Schulzrinne et al. 03 March 2003)(draft-draft-ietf-mmusic-rfc2326bis)) and further in view of Goldszmidt et al. (US 6195680). In order to advance prosecution of this case by overcoming the rejections asserted by the Office and/or characterizing the Applicants' claimed invention (i.e., the invention) with greater specificity, certain claims have been amended. Accordingly, the Applicants respectfully request reconsideration and favorable action in this case

Rejection under 35 U.S.C. § 103(a)

The Office has rejected independent Claims 1, 9 and 17 under 35 U.S.C. § 103(a) as being unpatentable over del Val in view of Schulzrinne and further in view of Goldszmidt. The Applicants assert that, in view of amended independent Claims 1, 9, and 17, the present invention as recited in amended independent Claims 1, 9, and 17 and all claims dependent thereon are clearly distinguished from del Val, Schulzrinne and Goldszmidt, individually and in combination, and provides advantageous, useful and non-obvious functionality with respect to

Serial No.: 10/598,551

Examiner: Marshall McLeod

del Val, Schulzrinne and/or Goldszmidt. Accordingly, the Applicants submit that the rejection under 35 U.S.C. § 103(a) applied to Claims 1, 4-7, 9, 12-15, 17 and 20-22 as being unpatentable over del Val in view of Schulzrinne and further in view of Goldszmidt is overcome and respectfully requests the Office to withdraw the rejection asserted against Claims 1, 4-7, 9, 12-15, 17 and 20-22 under 35 U.S.C. § 103(a) as being unpatentable over del Val in view of Schulzrinne and further in view of Goldszmidt.

Independent claims 1, 9, and 17 have been amended to characterize the invention with greater specificity in view of the cited references. More specifically, independent claims 1, 9 and 17 have each been amended to recite that the functionality of streaming digital media content from different content sources includes respective digital multimedia content streamed therefrom being different from each other. As such first digital multimedia content is streamed from a first content source and second digital multimedia content is streamed from a second content source different than the first content source. In this manner, the present invention allows playlist selections to be streamed from a plurality of different content sources.

The applicants respectfully submit that the Examiner has misconstrued the teachings of Goldszmidt. Goldszmidt teaches aspects of dynamic switching of streaming servers for the purpose of facilitating fault tolerance and load balancing. More specifically, Goldszmidt discloses using a plurality of servers sets for streaming a given content in a manner that provides for fault tolerance and load balancing. There are clear distinctions with such disclosed functionality of Goldszmidt and multimedia content deliver in accordance with the claimed invention of the present Application. For example, in contrast to the multimedia content

(134213 USPCT)

Page 9

Serial No.: 10/598,551

Examiner: Marshall McLeod

deliver in accordance with the claimed invention of the present Application, the fault tolerance/load balancing functionality of Goldszmidt relies upon detecting failure or overload associate with a streaming content whereas the claimed invention recites functionality for delivery of different multimedia content from different sources being initiated dependent upon detecting a prescribed boundary (e.g., as defined by a End Of Clip value) of multimedia currently being delivered via a respective source. In this manner, the functionality of Goldszmidt is reactive only to such failure or overload whereas the multimedia content deliver in accordance with the claimed invention provides for transfer of digital media content delivery from one multimedia source to another by intentionally switching from one multimedia content to a different multimedia content dependent upon a described and knows point of the multimedia content currently being streamed.

With respect to Claims 1 and 9, neither del Valle nor Schulzrinne nor Goldszmidt disclose, teach or suggest the recited operations and associated limitations of such claims. More specifically, individually or in combination, neither del Valle nor Schulzrinne nor Goldszmidt disclose, teach or suggest: 1.) generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to a network node by a client application executing on a digital multimedia device, 2.) the RTSP SET_PARAMETER message containing at least one of a playlist identifier, a media clip index and a clip offset as well as an indication of an activation time corresponding to an END OF CLIP value, 3.) transferring different digital multimedia content to the digital multimedia device by the network node from a particular content source identified by at least one of the playlist identifier and the media clip index, 4). such transferring commencing at a time determined responsive to the indication of the activation time, 5.) the RTSP SET_PARAMETER message being generated

(134213 USPCT)

Page 10

Serial No.: 10/598,551

Examiner: Marshall McLeod

in response to the client application generating a SWITCH message while the network node is streaming current digital multimedia content to the digital multimedia device from a previously identified content source, 6.) the previously identified content source comprising a first media clip from which the current digital multimedia content is accessed for streaming and the particular content source comprises a second media clip from which the different multimedia content is accessed for streaming, 7.) the first media clip includes multimedia content different than that of the second media clip, 8.) the network node continuing to stream from the media clip until the media clip's boundary is reached and 9.) such transferring commencing in response to the media clip's boundary being reached during the streaming. With respect to Claim 17, neither del Valle nor Schulzrinne nor Goldszmidt disclose, teach or suggest the recited operations and associated limitations of such claim. More specifically, individually or in combination, neither del Valle nor Schulzrinne nor Goldszmidt disclose, teach or suggest: 1.) generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to a network node by a client application executing on a digital multimedia device, 2.) the RTSP SET_PARAMETER message containing at least one of a playlist identifier, a media clip index and a clip offset as well as an indication of an activation time corresponding to an END OF CLIP value, 3.) a player engine operable to play back streaming content from a particular content source identified by at least one of the playlist identifier and the media clip index, 4.) such streaming content commencing at a time determined responsive to the indication of the activation time, 5.) the RTSP SET_PARAMETER message being generated in response to the client application generating a SWITCH message while the network node is streaming current digital multimedia content to the digital multimedia device from a previously identified content source, 6.) the previously identified content source comprising a first media clip from which the current digital multimedia content is accessed for

(134213 USPCT)

Page 11

Serial No.: 10/598,551

Examiner: Marshall McLeod

streaming, 7.) the network node continuing to stream from the media clip until the media clip's boundary is reached 8.) streaming of different digital multimedia content to the digital multimedia device from a respective content source in response to the media clip's boundary being reached during the streaming and 9.) the respective content source corresponding to the different digital multimedia content comprises a second media clip from which the different digital multimedia content is accessed for streaming and 10) the first media clip includes digital multimedia content different than that of the second media clip.

Furthermore, as previously presented, the Applicants submit that the Office has misconstrued at least a portion of the Schulzrinne with respect to the claimed invention. Schulzrinne discloses "To avoid inconsistencies between the client and server, automatic state transitions are avoided:

This can be seen at for example "End of media" event when all media has finished playing, the session still remain in Play state." (paragraph 18:7, Table 9, State: Ready, lines 20-23). As disclosed by Schulzrinne, this functionality maintains the session in the PLAY state once all media has finished playing. Contrary to the assertion by the Office, in the context of the present invention and claims thereto, this disclosure by Schulzrinne does not suggest that the network node continues to stream from the media clip until the media clip's boundary is reached. The extent of the disclosures by Schulzrinne is that a session remains in the PLAY state once all media has finished playing. As such Schulzrinne does not disclose, teach or suggest the RTSP SET_PARAMETER message being generated in response to the client application generating a SWITCH message while the network node is streaming digital multimedia content to the digital multimedia device from a previously identified content source, the previously identified content source comprising a media clip, the network node continuing to stream from the media clip until

(134213 USPCT)

Page 12

Serial No.: 10/598,551

Examiner: Marshall McLeod

the media clip's boundary is reached and transferring or playback of different content commencing in response to the media clip's boundary being reached.

In view of the amendments made to Claims 1, 9 and 17 and the associated remarks, Claims 1, 9 and 17 and all claims dependent thereon, are patentable under 35 U.S.C. 103(a) over del Val in view of Schulzrinne and Goldszmidt because they recite features, physical structure and/or function not present in, configured for being provided by, or intended to be provided by implementations in accordance with the disclosures of del Val, Schulzrinne and/or Goldszmidt, and therefore patentably distinguish over del Val, Schulzrinne and/or Goldszmidt. Accordingly, the Applicants submit that the rejection under 35 U.S.C. § 103(a) applied to Claims 1, 4-7, 9, 12-15, 17 and 20-22 as being unpatentable over del Val in view of Schulzrinne and Goldszmidt is overcome and respectfully requests the Office to withdraw the rejection asserted against Claims 1, 4-7, 9, 12-15, 17 and 20-22 under 35 U.S.C. § 103(a) as being unpatentable over del Val in view of Schulzrinne and Goldszmidt.

(134213 USPCT)

Page 13

JAN 12 2009

Serial No.: 10/598,551
Examiner: Marshall McLeod

CONCLUSIONS

The Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicants respectfully request full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicants invite the Examiner to contact the undersigned at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

By: Raymond M. Galasso
Reg. No. 37,832Correspondence Address:Alcatel Lucent
c/o Galasso & Associates, LP
P.O. Box 26503
Austin, Texas 78755-0503
(512) 306-8533 telephone
(512) 306-8559 fax

(134213 USPCT)

Page 14